

Chapter 13.10**MAINTENANCE AND REPAIR OF SIDEWALKS****Sections:**

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Section 13.10.010 Maintenance and repair of sidewalks.

A. Anything in this chapter to the contrary notwithstanding, the maintenance and repair of sidewalk areas and the making, confirming and collecting of assessments for the cost and expenses of said maintenance and repair may be done and the proceedings therefor may be had and taken in accordance with this Chapter and the procedure therefor provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State as the same is now in effect or may hereafter be amended. In the event of any conflict between the provisions of said Chapter 22 of Division 7, Part 3, of the Streets and Highways Code of the State and this chapter, the provisions of this chapter shall control.

B. The owners of lots or portions of lots adjacent to or fronting on any portion of a sidewalk area between the property line of the lots and the street line, including parking strips, sidewalks, curbs and gutters, and persons in possession of such lots by virtue of any permit or right shall repair and maintain such sidewalk areas and pay the costs and expenses therefor, including a charge for the City's costs of inspection and administration whenever the City awards a contract for such maintenance and repair and including the costs of collection of assessment for the costs of maintenance and repair or handling of any lien placed on the property due to failure of the property owner to promptly pay such assessments.

C. For the purposes of this part, maintenance and repair of sidewalk area shall include, but not be limited to, maintenance and repair of surfaces including grinding, removal and replacement of sidewalks, repair and maintenance of curb and gutters, removal and filling or replacement of parking strips, removal of weeds and/or debris, tree root pruning and installing root barriers, trimming of shrubs and/or ground cover and trimming shrubs within (1) the area between the property line of the adjacent property and the street pavement line, including parking strips and curbs, so that the sidewalk area will remain in a condition that is not dangerous to property or to persons using the sidewalk in a reasonable manner and will be in a condition which will not interfere with the public convenience in the use of said sidewalk area.

D. Notwithstanding the provisions of Section 5614 of the State Streets and Highways

Code, the Public Works Director may in his or her discretion, and for sufficient cause, extend the period within which required maintenance and repair of sidewalk areas must commence by a period of not to exceed ninety days from the time the notice referred to in said Section 5614 is given. (Ord. 6393 § 36, 1997; Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.030 Liability for injuries to public.

The property owner or person in possession required by Section 13.10.010 to maintain and repair the sidewalk area shall owe a duty to members of the public to keep and maintain the sidewalk area in a safe and nondangerous condition. If, as a result of the failure of any property owner to maintain the sidewalk area in a nondangerous condition as required by Section 13.10.010, any person suffers injury or damage to person or property, the property owner shall be liable to such person for the resulting damages or injury. (Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.050 Notice to repair.

When any portion of the sidewalk area is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk area, the superintendent of streets may notify the owner or person in possession of the property fronting on that portion of such sidewalk area so out of repair, to repair the sidewalk area. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.070 Service of notice to repair.

Notice to repair may be given by delivering written notice personally to the owner or to the person in possession of the property facing upon the sidewalk area so out of repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his or her last known address as the same appears on the last equalized assessment rolls of the county. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.090 Contents of notice to repair.

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within thirty days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair, and the costs of the same shall be a lien on the property. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.101 Work performance - Superintendent of streets authority.

In performing the work of repairing or constructing any sidewalk as provided in Chapter 22 of Division 7, Part 3 of the Streets and Highways Code of the State, the superintendent of streets may, if the costs of said work does not exceed five thousand dollars:

A. Procure at least three sealed bids to perform said work from contractors licensed to undertake the same, and let said work to the lowest responsible bidder at the prices named in his bid; or

B. Order a City work crew to perform said work. (Ord. 6379 § 1, 1997; Ord. 6264 § 2 (part), 1996; Ord. 6205 § 2 (part), 1995)

Section 13.10.103 Notice of cost to repair and time for repayment.

Upon the completion of the repairs or construction by the City, the superintendent of streets shall cause notice of the cost of repairs or construction to be given in the manner specified in Chapter 22 of Division 7, Part 3 of the Streets and Highways Code of the State of California, as the same is now in effect or may hereafter be amended, for the giving of notice to repair. The notice shall particularly specify the work which was required and the cost of the repairs or construction. The property owner shall have thirty days in which to pay the costs of repairs or to enter into a repayment agreement with the City. In the event that the property owner fails to pay the cost of repairs or make arrangements for payment with the City, the matter shall be submitted to the City Council for hearing upon notice to the property owner as set forth hereafter. (Ord. 6379 § 1, 1997)

Section 13.10.105 Notice of cost and hearing by Council.

Upon the completion of the repairs or construction, the superintendent of streets shall cause notice of the cost of the repairs or construction to be given in the manner specified in Chapter 22 (Repair) of Division 7, Part 3, of the Streets and Highways Code of the State of California, as the same is now in effect or may hereafter be amended, for the giving of notice to repair or construct. The notice shall specify the day, hour and place when the City Council will hear and pass on the report of the costs of the repair, together with any written objections or protests which may be raised by any property owner liable to be assessed for the cost of such repair or construction and any other interested persons. The notice shall also describe the procedure to be followed for such written objections or protests. In no case shall the hearing provided for in this section be sooner than ten days after giving of notice. (Ord. 6379 § 1, 1997)

Section 13.10.107 Report of repairs and costs.

In the event that the property owner refuses to comply with Section 13.10.103, the superintendent of streets shall prepare and file with the City Council a report specifying the repairs which have been made, the cost of the repairs, the description of the real property in front of which the repairs have been made and the assessments against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, rather contiguous to each other or not. (Ord. 6379 § 1, 1997)

Section 13.10.109 Hearing by City Council.

The City Council, on the day and hour fixed for hearing, shall hear and pass upon the report of the superintendent, together with any written protests or objections, which have not been withdrawn prior to the hearing, from property owners liable to be assessed for the work of making such repair and any other interested persons in accord with the procedure provided in Chapter 22 of Division 7, Part 3, of the Streets and Highways Code. The decision of the City Council on all protest and objections which may be made, shall be final and conclusive. (Ord. 6379 § 1, 1997)

Section 13.10.111 Assessment.

The costs of the repair may be assessed by the City Council against the parcel of property fronting upon the sidewalk area upon which such repair was made, and such cost so assessed, if not paid within five days after its confirmation by the City Council, shall constitute a special assessment against that parcel of property and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record. (Ord. 6379 § 1, 1997)

Section 13.10.113 Notice of Lien.

The superintendent of streets may file in the office of the county recorder in the county in which the parcel of property is located, a certificate substantially in the form set forth in Section 5626 of the Streets and Highways Code. (Ord. 6379 § 1, 1997)

Section 13.10.115 Lien - recordation and collection.

As an alternative method of the collection of the lien, the City Council, after confirmation of the report of the superintendent of streets, may order the notice of lien to be turned over to the county tax collector, who shall enter the amount thereof on the county assessment book opposite the description of the particular property, and the amount shall be collected, together with all other taxes against the property. Thereafter, the amount of the lien shall be collected at the same time and in the same manner as ordinarily city taxes are collected, and shall be subject to the same penalties and interest, and to the same procedure under foreclosure and sale in the case of delinquency, as provided for ordinary city taxes. (Ord. 6379 § 1, 1997)

Section 13.10.117 No interference with enforcement of this chapter.

No person shall interfere with or delay the authorized representative of the city from the execution and enforcement of this Chapter except as provided by law. (Ord. 6379 § 1, 1997)

Section 13.10.119 Exemption.

Nothing in Chapter 13.10 shall require the adjacent property owner or person in possession, to maintain, repair or otherwise be responsible for damage to sidewalk areas caused by a City owned and maintained street tree located in the street right-of-way or easement. (Ord. 6379 § 1, 1997)